

CHAPTER 22

CHIROPRACTIC

H. F. 301

AN ACT to amend chapter seven (7), section twelve (12), acts of the thirty-ninth general assembly, relating to the practice of chiropractic.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Change of date.** Chapter seven (7), section twelve
2 (12), acts of the thirty-ninth general assembly be and the same is
3 hereby amended by striking from line 27 the following: "30th day
4 of June in each year thereafter" and inserting in lieu "first day of
5 January in each year".

1 SEC. 2. **Publication.** This act being deemed of immediate im-
2 portance shall take effect and be in force from and after its publication
3 in the Des Moines Register and Des Moines Capital, newspapers
4 published in Des Moines, Iowa.

Approved March 28, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines Register, April 3, 1924, and the Des Moines Capital, April 2, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 23

BOVINE TUBERCULOSIS

H. F. 68-a

AN ACT to repeal section ten (10) of chapter two hundred eighty-seven (287), acts of the thirty-eighth (38) general assembly, as amended by chapter forty-four (44), acts of the thirty-ninth (39) general assembly, and by section one (1) of chapter forty-nine (49), acts of the fortieth (40) general assembly; section eleven (11) of chapter two hundred eighty-seven (287), acts of the thirty-eighth (38) general assembly, as amended by chapter one hundred ninety-four (194), acts of the thirty-ninth (39) general assembly; sections twelve (12) and thirteen (13) of chapter two hundred eighty-seven (287), acts of the thirty-eighth (38) general assembly; section three (3) of chapter one hundred sixty-nine (169), acts of the thirty-ninth (39) general assembly; chapter forty-eight (48), acts of the fortieth (40) general assembly; and section two (2), chapter forty-nine (49), acts of the fortieth (40) general assembly, relating to the eradication of bovine tuberculosis, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Repeal.** That section ten (10) of chapter two hundred
2 eighty-seven (287), acts of the thirty-eighth (38) general assembly,
3 as amended by chapter forty-four (44), acts of the thirty-ninth (39)
4 general assembly, and by section one (1) of chapter forty-nine (49),
5 acts of the fortieth (40) general assembly; section eleven (11) of
6 chapter two hundred eighty-seven (287), acts of the thirty-eighth
7 (38) general assembly, as amended by chapter one hundred ninety-

8 four (194), acts of the thirty-ninth (39) general assembly; sections
9 twelve (12) and thirteen (13) of chapter two hundred eighty-seven
10 (287), acts of the thirty-eighth (38) general assembly; section three
11 (3) of chapter one hundred sixty-nine (169), acts of the thirty-ninth
12 (39) general assembly; chapter forty-eight (48), acts of the fortieth
13 (40) general assembly; and section two (2), chapter forty-nine (49),
14 acts of the fortieth (40) general assembly, are hereby repealed and
15 the following enacted in lieu thereof:

1 **SEC. 2. Cooperation of state and federal authorities.** The state
2 department of agriculture is hereby authorized to cooperate with the
3 federal department of agriculture for the purpose of eradicating tu-
4 berculosis from the dairy and beef breeds of cattle in the state.

1 **SEC. 3. Testing and examining herds.** The owner of any herd
2 kept for breeding or dairy purposes may petition the department of
3 agriculture for an examination of such herd for tuberculosis. The
4 department shall grant the petition when satisfied that the petitioner
5 intends to permanently maintain his herd and has applied for such
6 examination for the sole purpose of detecting the presence of such
7 disease and freeing his herd therefrom. Such examination shall be
8 conducted as soon as practicable after the granting of the petition.

1 **SEC. 4. Petition blank.** A blank for such petition shall be furnished
2 by the department, which shall include an agreement on the part of
3 the person making the petition that he will conform to and abide by
4 the rules laid down by the state and federal departments of agri-
5 culture and follow their instructions designed to suppress the disease,
6 prevent its spread, and avoid reinfection of the herd.

1 **SEC. 5. Appraisal.** Before being tested, such animals shall be
2 appraised at their cash value for breeding, dairy, or beef purposes
3 by the owner and a representative of the state department of agri-
4 culture, or a representative of the federal department of agriculture, or
5 by the owner and both of such representatives. If these parties cannot
6 agree as to the amount of the appraisal, there shall be appointed three
7 (3) competent and disinterested persons, one (1) by the state de-
8 partment of agriculture, one (1) by the owner, and the third by the
9 first two (2) appointed, to appraise such animals, which appraisal
10 shall be final. Every appraisal shall be under oath or affirmation
11 and the expense of the same shall be paid by the state, except as
12 provided in this act.

1 **SEC. 6. Presence of tuberculosis—use of infected animals.** If, after
2 such examination, tubercular animals are found, the department shall
3 have authority to order such disposition of them as it considers
4 most desirable and economical. If the department deems that a due
5 regard for the public health warrants it, it may enter into a written
6 agreement with the owner, subject to such conditions as it may pre-
7 scribe, for the separation and quarantine of such diseased animals.
8 Subject to such conditions, the diseased animals may continue to
9 be used for breeding purposes.

1 **SEC. 7. Forfeiture of right to receive compensation.** Any animal
2 retained, under the preceding section, by the owner for ninety (90)
3 days after it has been adjudged infected with tuberculosis shall not
4 be made the basis of any claim for compensation against the state.

1 **SEC. 8. Amount of indemnity to be paid owner.** When breeding
2 animals are slaughtered following any test there shall be deducted
3 from their appraisal value:

4 1. Five per cent of the appraised value of the breeding animals
5 tested.

6 2. The proceeds from the sale of the salvage.

7 The owner shall be paid by the state one-third of the sum remaining
8 after the above deductions are made.

9 The state shall in no case pay to such owner a sum in excess of
10 fifty dollars (\$50.00) for any registered pure-bred animal, or twenty-
11 five dollars (\$25.00) for any grade animal.

1 **SEC. 9. Pedigree.** The pedigree of pure-bred cattle shall be proved
2 by a certificate of registry from the herd books where registered.

1 **SEC. 10. Limitation on right to receive pay.** No compensation
2 shall be paid to any person for an animal condemned for tuberculosis:

3 1. Unless said animal, if produced in the state, has been owned
4 by such person for at least six (6) months prior to condemnation, or
5 was raised by such person.

6 2. Unless said animal, if imported into the state, was examined
7 at the time of importation and found free from tuberculosis.

1 **SEC. 11. Preference in examinations.** The department, in passing
2 upon petitions for examinations of herds, shall give priority to pe-
3 titions for the testing of dairy herds from which are sold, or offered
4 for sale, in cities or towns, milk or milk products in liquid or condensed
5 form.

1 **SEC. 12. Examination by department on its own motion.** The de-
2 partment may at any time, on its own motion, make an examination
3 of any herd, and in case animals are destroyed, the appraisalment and
4 payment shall be made as provided in this act.

1 **SEC. 13. Records public.** All records pertaining to animals infected
2 with tuberculosis shall be open for public inspection and the depart-
3 ment shall furnish such information relative thereto as may be re-
4 quested.

1 **SEC. 14. Accredited tuberculosis-free herds.** The department
2 shall establish rules for determining when a herd of cattle tested and
3 maintained under the provisions of this act, the laws of the United
4 States, and the rules of the state and federal departments of agri-
5 culture shall be considered as tuberculosis-free. When any herd
6 meets such requirements the owner shall be entitled to a certificate
7 from the department showing that the herd is a tuberculosis-free
8 accredited herd. Such certificate shall be revoked whenever the herd
9 no longer meets the necessary requirements for an accredited herd,
10 but the herd may be reinstated as an accredited herd upon subsequent
11 compliance with such requirements.

1 **SEC. 15. Tuberculin.** The department shall have control of the
2 sale, distribution, and use of all tuberculin in the state, and shall
3 formulate rules for its distribution and use. Only a licensed veter-
4 inarian shall apply a tuberculin test to cattle within this state.

1 **SEC. 16. Appointment of inspectors and assistants.** The depart-
2 ment may appoint one or more accredited veterinarians as inspectors

3 for each county and one or more persons as assistants to such in-
4 spectors. Such inspectors, with the assistance of such person or
5 persons, shall test the breeding cattle subject to test, as provided in
6 this act, and shall be subject to the direction of the department in
7 making such tests.

1 **SEC. 17. Accredited veterinarian defined.** An accredited veter-
2 inarian is one who has successfully passed an examination set by
3 the state and federal departments of agriculture and is authorized
4 to make tuberculin tests of accredited herds of cattle under the uni-
5 form methods and rules governing accredited herd work which are
6 approved by the United States department of agriculture.

1 **SEC. 18. Equipment for inspector.** The department may furnish
2 each inspector with the necessary tuberculin and other equipment nec-
3 essary to make the tests provided for in this act.

1 **SEC. 19. Compensation.** An inspector shall receive a compensation
2 not to exceed ten dollars (\$10.00) per diem and ten cents (10c) for
3 every mile traveled while engaged in such work. Unless such com-
4 pensation is fixed in the biennial salary act it shall be approved by
5 the committee on retrenchment and reform.

COUNTY AREA ERADICATION PLAN AND ACCREDITED AREA PLAN

1 **SEC. 20. Establishment by petition of breeders.** When any number
2 of resident owners of breeding cattle constituting a number equal to
3 fifty-one per cent (51%) of the number of owners of breeding cattle
4 in said county, as shown by the last assessors' rolls, petition the board
5 of supervisors for the establishment of a county area eradication
6 plan, such petition including an agreement on the part of the respective
7 signers thereof for the testing of their respective herds, as provided
8 in this act, the board shall cause a notice to be published for two
9 consecutive weeks in two official county papers of the date of the
10 hearing on said petition, which shall not be less than five nor more
11 than ten days after the last publication, said date to be set by the
12 county auditor. If, after such hearing, or if no objections are filed
13 to such petition on or before such date, the petition shall be found
14 sufficient, the board shall make application to the secretary of agri-
15 culture for the enrollment of the county under such plan. The appli-
16 cation shall be accompanied by a copy of the petition and agreements,
17 together with the action of the board thereon, duly certified by the
18 county auditor. The secretary of agriculture, upon receiving the appli-
19 cation, shall enroll the county under such plan. Certified copy of
20 the agreements as filed with the secretary of agriculture shall have
21 the same force and effect as originals on file with him. Subsequent
22 agreements may be filed with the department.

1 **SEC. 21. Levy for eradication fund.** In each county enrolled under
2 either of the plans provided in this act, the board of supervisors
3 shall each year when it makes the levy for taxes, levy a tax sufficient
4 to provide a fund to pay the indemnity and other expenses provided
5 in this act, except as hereinafter provided, but such levy shall not
6 exceed three (3) mills in any year upon the taxable value of all the
7 property in the county. Such levy shall be placed upon the tax list
8 by the county auditor and collected by the county treasurer in the

9 same manner and at the same time as other taxes of the county. The
10 money derived from such levy shall be placed in a fund to be known
11 as the county tuberculosis eradication fund, and the same shall only
12 be used for the payment of claims as provided in this act.

13 The county auditor of each county shall, not later than August 15th
14 of each year, certify to the secretary of agriculture a report showing
15 the amount in the tuberculosis eradication fund on August 1st of each
16 year.

17 Should it appear to the secretary of agriculture that the balance
18 in such fund is sufficient, with the county's allotment of state and
19 federal funds available, to carry on the work in such county for the
20 ensuing year, he shall so certify to the county auditor and when such
21 certification has been made the board shall make no levy for such
22 tuberculosis eradication fund for such year.

1 **SEC. 22. Availability of county fund.** After the amount allotted
2 in any year by the department to any county enrolled under the
3 county area plan has been expended in said county, or at any time
4 that there ceases to be available for such county any federal funds
5 for the eradication of bovine tuberculosis, the county eradication fund
6 provided in this act shall become available as a substitute for either
7 or both such funds for the payment of materials, indemnities, in-
8 spectors, and assistants as herein provided. Immediately upon the
9 exhaustion of such allotment the department shall certify such fact
10 to the county auditor, which certificate shall be full authority for
11 the board of supervisors to pay claims out of the county tuberculosis
12 eradication fund.

1 **SEC. 23. Notice of exhaustion of fund.** Whenever the balance in
2 such fund becomes less than twenty-five hundred dollars (\$2500.00)
3 the county auditor shall notify the department in writing of such
4 fact and no expense shall be incurred on such account in excess of
5 the cash available in such fund.

1 **SEC. 24. Certification of claims.** All claims presented under the
2 second preceding section shall be certified by the department and
3 filed with the county auditor who shall present them to the board of
4 supervisors, and such board shall allow and pay the same as other
5 claims against the county.

1 **SEC. 25. Accredited counties.** Whenever seventy-five per cent
2 (75%) of the owners of breeding cattle in any county operating under
3 the county area plan, shall have signed agreements with the depart-
4 ment of agriculture, the department shall enroll the county under the
5 accredited area plan and notify the board of supervisors of such county
6 accordingly. The board shall cause to be published a notice of such
7 enrollment once in two official newspapers of the county and there-
8 after every owner of breeding cattle within the county shall cause
9 his cattle to be tested for tuberculosis as provided in this act and
10 shall comply with all the requirements for the establishment and
11 maintenance of a tuberculosis-free accredited herd.

1 **SEC. 26. Certification of number of owners in county.** For the
2 purpose of determining the number of owners of breeding cattle in
3 the county constituting the per cent required by the preceding sec-
4 tion, the county auditor of each county which has been enrolled

5 under the county area eradication plan, shall certify to the department
6 after each assessment in the county, the number of owners of breed-
7 ing cattle in such county as shown by the last assessors' rolls.

1 **SEC. 27. Establishment by vote of people.** Whenever any number
2 of electors of the county equal to fifteen per cent (15%) of the voters
3 of the county as shown by the vote for the head of the ticket at the
4 last general election, petition the board of supervisors for the estab-
5 lishment of the accredited area plan and file the same in the office of
6 the county auditor, the board shall, if it finds such petition complies
7 with the requirements of this act, submit at the next general election
8 the following proposition: Shall _____ county levy a tax
9 of not more than three (3) mills on the taxable value of the property
10 of the county for the purpose of establishing a county tuberculosis
11 eradication fund and entering upon the accredited area plan? If
12 the proposition receives sixty-five per cent (65%) of the votes cast
13 at such election the board shall notify the department, which shall
14 enroll the county under the accredited area plan. When the county
15 is so enrolled the board of supervisors shall cause a notice of such
16 enrollment to be published once in two official newspapers of the
17 county and thereafter every owner of breeding cattle within the
18 county shall cause his cattle to be tested for tuberculosis as provided
19 in this chapter and shall comply with all the requirements for the
20 establishment and maintenance of the tuberculosis-free accredited
21 herd.

1 **SEC. 28. Penalty.** Any owner of breeding cattle in any county
2 which has been enrolled under the accredited area plan, as provided
3 in this act, who does not apply for and sign an agreement for such
4 test or fails to have his cattle tested as provided therein within a
5 period of ninety (90) days from the publication of the notice of en-
6 rollment shall be guilty of a misdemeanor and shall be punished by a
7 fine of not more than one hundred dollars. It shall be prima facie
8 evidence that the breeding cattle of any such owner who does not
9 permit said cattle to be tested as herein provided are affected with
10 tuberculosis and may be quarantined by the department until such
11 test is made.

1 **SEC. 29. Notice.** Before any action is commenced under the pre-
2 ceding section, the board of supervisors of the county shall cause
3 such owner to be served with a written notice of the provisions of the
4 four (4) preceding sections, at least fifteen (15) days before the
5 commencement of the action.

1 **SEC. 30. Allotment of funds to counties.** The department shall
2 allot on or before November 1st of each year among the counties of
3 the state in proportion to the number of breeding cattle owned in
4 each county, as shown by the last assessors' books, the amount of
5 the state funds estimated to be available for the testing of cattle for
6 tuberculosis. The department shall also attempt to secure a similar
7 allotment each year of the available federal funds by the federal
8 department of agriculture.

1 **SEC. 31. Transfer of funds.** The amount of state funds allotted
2 to each county shall be expended therein, but the department, when-
3 ever it deems it necessary for the welfare of the state, or whenever

4 such moneys are not needed in any county, may transfer the same to
5 any other county.

1 **SEC. 32. Publication clause.** This act being deemed of immediate
2 importance shall be in full force and effect from and after its passage
3 and publication in the Des Moines Register and the Des Moines
4 Capital, newspapers published in Des Moines, Iowa.

Approved March 5, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines Register March 10, 1924, and the Des Moines Capital March 10, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 24

COUNTY AREA TUBERCULOSIS ERADICATION PLAN

S. F. 318

AN ACT to legalize the establishment of the county area tuberculosis eradication plan in the several counties of the state and the proceedings of boards of supervisors, county auditors, county treasurers, and the secretary of agriculture in the establishment of such areas, the levy, spreading, and collection of taxes therefor as is provided in chapter forty-eight (48) of the laws of the fortieth (40) general assembly of Iowa.

WHEREAS, under the provisions of chapter forty-eight (48) of the laws of the fortieth (40) general assembly of Iowa the board of supervisors of certain counties have proceeded to approve petitions and agreements for the establishment of the county area plan for the eradication of bovine tuberculosis, and have made applications with and have filed agreements with the secretary of agriculture of Iowa, and such counties have been enrolled under the county area plan as is provided in said act, and

WHEREAS, certain doubts have arisen as to the sufficiency of the proceedings before the board of supervisors relative to the establishment of the county area plan and of the secretary of agriculture relative thereto, and

WHEREAS, certain doubts have arisen as to the validity of the levy, spreading and collection of taxes therefor, and

WHEREAS, it is the desire of this general assembly to legalize, ratify, confirm and levy the taxes as the same now appear on the books in the office of the county treasurer of any such counties, providing always that said levy shall not exceed three (3) mills, now therefore

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Proceedings validated.** That all of the proceedings in
2 connection with the establishment of and the enrollment of each of
3 the several counties of this state enrolled in the office of the secre-
4 tary of agriculture prior to January 1, 1924 under the county area
5 plan as provided in chapter forty-eight (48) of the acts of the fortieth
6 general assembly of Iowa be, and the same are hereby legalized and
7 validated. All of such proceedings shall have the same force and
8 effect as though in strict conformity to the provisions of said act.